

REMARKS

Claims 1-19 are pending in the application. Claims 1-19 stand rejected. Claims 1 and 12 have been amended. In view of the following, all rejected claims are in condition for allowance.

Rejection of Claims 1-4 and 12-19 Under 35 U.S.C. 102(b) As Being Anticipated By Propp

Claim 1

Claim 1 as amended recites a vessel comprising a propulsion device and a hull carrying the propulsion device and having multiple operating modes in which the hull is operable to be moved by the propulsion device from a first geographic location to a second geographic location.

For example, referring, e.g., to FIGS. 5A-5D and paragraphs 37-48 of the present application, a ship 100 has a multi-mode hull 510 that allows the ship to traverse a body of water (or portion thereof) in at least the following four modes: a logistics mode (FIG. 5A), a catamaran mode (FIG. 5B), a SWATH mode (FIG. 5C), and a low freeboard mode (FIG. 5D).

Propp, on the other hand, fails to teach a vessel comprising a propulsion device and a hull carrying the propulsion device and having multiple operating modes and operable to be moved by the propulsion device in each of the multiple operating modes from a first geographic location to a second geographic location. Referring to, e.g., FIGS. 1-2, the abstract and column 2, lines 43-52, Propp teaches a vessel 10 (that the Examiner regards as a hull) that has buoyancy compartments that control operation of the vessel either at a deep draft skimming level or a shallow draft skimming level. The vessel 10 has a forward boom that adjusts to either the deep draft or shallow skimming modes. The vessel 10 is used in combination with a pushing vehicle 12 (that the

Examiner regards as a propulsion system) and guiding and/or tow vessels 14. Vessels 14 control the width of area to be skimmed in a pass of the skimming vessel 10 and have connection to vessel 10 by elongated buoyant booms 16. As such, Propp teaches a vessel 10, having multiple operating modes, that is pushed or pulled by a separate vehicle 12 and/or vessel 14 that presumably includes a propulsion device. However, Propp fails to teach or suggest a vessel that includes a multi-mode hull carrying, as required by claim 1, a propulsion device.

Claim 12

Claim 12 as amended is patentable for reasons similar to those discussed above in connection with claim 1.

Claims 2-4 and 13-19

Claims 2-4 and 13-19 are patentable by virtue of their respective dependencies from claims 1 and 12.

Rejection of Claims 5-11 Under 35 U.S.C. 102(b) As Being Anticipated by Barbier

Claim 5

Claim 5 as amended recites a vessel comprising a ballast system disposed within a hull and operable to select one of multiple traveling modes corresponding to a predetermined mission by adjusting, during sailing from a first geographic location to a second geographic location, the draft of the vessel.

For example, referring, e.g., to FIGS. 5A-5D and paragraphs 37-48 of the present application, a ship 100 may operate in one or more hull modes when performing a single mission. For example, suppose the ship is to perform an anti submarine warfare mission at a location that is remote from the location where the crew loads the anti submarine mission module 105 into the bay 110. At first, because the ship 100 (the frame 115, the module 105, or both) is loaded with fuel and supplies for the mission, the draft of the ship may be such that the ship operates in the SWATH mode (FIG. 5C). If

the mission is secret, then the crew may add additional ballast (typically water) to cause the ship 100 to operate in the low freeboard (stealth) mode (FIG. 5D). When the ship 100 reaches the mission location, then the fuel and supplies may be depleted sufficiently such that with the removal of a proper amount of ballast, the ship can operate in the catamaran mode (FIG. 5B) to, e.g., chase a submarine.

In contrast, Barbier fails to teach or suggest the limitations of claim 5. Referring to, e.g., FIGS. 1-4 and column 2, lines 29-36, Barbier teaches bulkheads defining six ballast tanks 34 for liquid cargo, two fuel oil tanks 35 for storing fuel oil used by the ship, two cargo tanks 36 for holding liquid or liquid-like cargo and ballast such as oil, mud and cement, a potable water tank 37, a forward machine room 38, a rearward machine room 39 and two storage spaces containing pressure tanks for the storage of dry cements and lubricants. However, Barbier fails in any manner to teach or suggest that the contents of these bulkheads can be adjusted, while the ship is sailing from a first geographic location to a second geographic location, in order to adjust the draft of the ship and select a traveling mode of the ship.

The Examiner alleges that Barbier "discloses a vessel with a plurality of ballast tanks for the storage of liquid cargoes, and a conventional piping system that provides controlled fluid communication between said ballast tanks for loading and off-loading of said liquid cargoes, which provides a means by which the draft of said vessel can be adjusted, and thus meets the limitations of the applicant's claims." However, as discussed above, Barbier fails to teach or suggest that this "loading and off-loading of said liquid cargoes" occurs while the vessel is in transit at sea (*i.e.*, while the ship is sailing from a first geographic location to a second geographic location, as recited in claim 5). In fact, it is reasonable to assume that the loading and off-loading of the cargoes occurs while the vessel is docked and not in transit. At the very least, Barbier is unclear as to the state of the vessel during which loading and off-loading of liquid cargoes occurs, and, as such, cannot reasonably be regarded as teaching or suggesting the limitations of claim 5.

Claims 6-11

Claims 6-11 are patentable by virtue of their dependencies from claim 5.

CONCLUSION

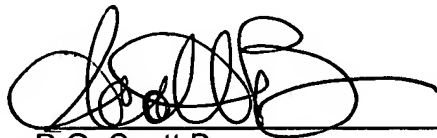
In view of the foregoing, claims 1-19 are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes that a telephone conference would expedite prosecution of this application, please telephone the undersigned at 425.455.5575. **The Applicant's attorney respectfully requests the Examiner to telephone the undersigned prior to issuing an Office Action that rejects any pending claim in this case.**

In the event additional fees are due as a result of this amendment, you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

Respectfully submitted,
GRAYBEAL JACKSON HALEY LLP

Date: 10/19/05

A handwritten signature in black ink, appearing to read 'P.G. Scott Born', written over a horizontal line.

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